

Local and Tribal Intergovernmental Consultation Training Program

Mission: To foster relationships between local and tribal governments for the purpose of protecting and preserving California Native American cultural places.

OPR is available to provide trainings to local governments & Tribal governments on the requirements of SB18. These trainings provide a brief introduction to land-use planning in California, an overview of the requirements of SB 18 and a brief introduction to Tribal Governments and Cultural Places. Trainings will be tailored to the audience.

See OPR's SB 18 website, www.opr.ca.gov/SB182004, for more information on the training program, calendar of events, and how to schedule a training in your area.



Local and Tribal Intergovernmental Consultation

Contacts:

Scott Morgan
Senior Planner

Cuauhtemoc Gonzalez
Staff Assistant

Street Address:

1400 Tenth Street, Suite 212
Sacramento, CA 95814

Mailing Address:

P.O. Box 3044
Sacramento, CA 95812-3044

Phone: (916) 445-0613
Fax: (916) 323-3018
state.clearinghouse@opr.ca.gov
<http://www.opr.ca.gov>

Local and Tribal Intergovernmental Consultation



**Governor's Office of
Planning and Research**

Local and Tribal Intergovernmental Consultation

Senate Bill 18 was signed into law in September of 2004 with the main provisions taking effect on March 1, 2005. SB 18 requires city and counties to contact, and consult with, California Native American Tribes when adopting or amending the General Plan (GP) or when designating land as Open-Space (OS). The purpose of consultation is to protect Native American *cultural places* that may be impacted by the proposed GP adoption, amendment, or OS designation.

Definitions:

California Native American Tribe -

A federally recognized California Native American tribe or a non-federally recognized California Native American tribe that is on the contact list maintained by the Native American Heritage Commission (NAHC).

Consultation -

Consultation means the meaningful and timely process of seeking, discussing, and considering carefully the views of others, in a manner that is cognizant of all parties' cultural values and where, feasible seeking agreement. Consultation between government agencies and Native American tribes shall be conducted in a way that is mutually respectful of each party's sovereignty. Consultations shall also recognize the tribe's potential needs for confidentiality with respect to places that have traditional tribal cultural significance (Government Code 65352.4).

Cultural Place -

SB 18 refers to "places, features, and objects described in Sections 5097.9 and 5097.995 of the Public Resources Code."

PRC 5097.9 Native American sanctified cemetery, place of worship, religious or ceremonial site, or sacred shrine.

PRC 5097.995 Native American historic, cultural, or sacred site, that is listed or may be eligible for listing in the California Register of Historic Resources pursuant to Section 5024.1, including any historic or prehistoric ruins, any burial ground, any archaeological or historic site.

Facts about SB18

- Only applies to local governments
- Part of State Planning Law requirements
- Once contacted by a local government, tribes have 90 days to request consultation
- OPR is required to amend General Plan Guidelines to include information on SB 18
- Tribes can acquire and hold conservation easements to protect California Native American *cultural places*.

The following statutes were amended or added by SB18:

Added 3 Sections to the State Planning Law (Consultation)
Government Code Sections 65352.3, 65352.4, & 65562.5.

Amended 5 Sections of State Planning Law (Notice/OS)
Government Code Sections 65040.2, 65092, 65351, 65352, & 65560.

Amended Civil Code Section 815.3
(Conservation Easements).

Other Resources

Publications

- *Tribal Consultation Guidelines*
- *OPR General Plan Guidelines*

Web Information

- OPR's SB 18 Homepage - www.opr.ca.gov/SB182004
- Native American Heritage Commission - www.nahc.ca.gov

